



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 27 2016

David Horan, Treasurer  
Marilinda Garcia for Congress  
PO Box 821  
Salem, NH 03079

RE: MUR 6857

Dear Mr. Horan:

Previously, you were notified of a complaint filed by Judy Brown, which was dated July 21, 2014. It has come to our attention that a similar complaint filed by Lawson Brouse, which was dated July 23, 2014, may not have been forwarded to you. A copy of the Brouse complaint is enclosed. The Brouse complaint indicates that Marilinda Garcia for Congress and you in your official capacity as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). We have also numbered this matter MUR 6857. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to an administrative oversight. Under the Act you have the opportunity to demonstrate in writing that no action should be taken against Marilinda Garcia for Congress and you in your official capacity as treasurer in this matter. Please submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>1</sup>

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records and

<sup>1</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email this Office will provide an electronic receipt by email):

Mail

Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Donna Rawls, Paralegal  
999 E Street, NW  
Washington, DC 20463

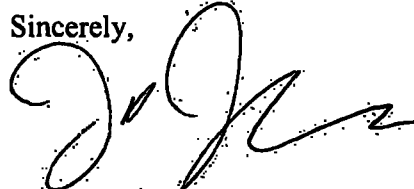
OR

Email

CELA@fec.gov

If you have any questions, please contact Donna Rawls at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination &  
Legal Administration

Lawson Brouse  
Salem, NH 03079

July 23, 2014

Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR #

6857

OFFICE OF GENERAL  
COUNSEL

2014 JUL 28 PM 12:50

RECEIVED  
FEDERAL ELECTION  
COMMISSION

Dear Sir or Madam,

The undersigned files this complaint against the following respondents: candidate Marilinda Garcia and her campaign, Marilinda Garcia for Congress.

Respondent Candidate ID: H4NH02241

Respondent Committee ID: C00552364

The Marilinda Garcia for Congress campaign held an event titled the "Race to Congress" with Marilinda Garcia on 06/28/2014 at the New Hampshire Motor Speedway. Some of the event expenses included renting out the speedway venue for the night, a live band, free food and refreshments, pace car rides around the speedway, and two tickets to a future NASCAR race on 07/13/2014.

In-kinds from Jerry Gappens, Bedford, NH 03110, for \$2,600 on 06/28/2014, and Lucy Gappens, Bedford, NH 03310, for \$2,320 on 06/28/2014 were the only receipts or disbursements for the event on the campaign's July quarterly FEC filing.

Jerry Gappens and Lucy Gappens do not own the New Hampshire Motor Speedway (Jerry works as the EVP and GM of Speedway Motorsports Inc, a parent company of New Hampshire Motor Speedway), so they cannot legally in-kind the expenses from the event.

Speedway Motorsports Inc. is also a corporation, so it cannot legally in-kind the expenses from the event.

The respondents have violated FEC laws by improperly filing the receipts and disbursements for the June 28 event.

Respectfully submitted,

Lawson Brouse

Signed and sworn to before me this 23<sup>rd</sup> day of July, 2014.

*Kim L. Desisto*  
Notary Public



2-101-344207-1

Exhibit 1:



## RACE to CONGRESS

with Marilinda Garcia  
at the NH Motor Speedway

**Saturday, June 28 at 7pm**  
**Loudon Motor Speedway**

*Gold Members: \$100 (limited to 40)*

*Blue Members: \$35 / Kids: \$15*

**TICKETS: [marilindagarciaeventbrite.com](http://marilindagarciaeventbrite.com)**

Live music, free food, and for Gold members, a ride  
around the speedway in a pace car! Everyone will  
enter to win 2 VIP access tickets to the NASCAR  
Sprint Cup Series on July 13!

Contact: Kenny Cunningham at [kenny@marilindagarcia.com](mailto:kenny@marilindagarcia.com)

Paid for and authorized by Marilinda Garcia

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